REMARKS

The amendments to the claims have been reformatted in response to the Notice of Non-Compliant Amendment. Note that the only change in claim 4 is the deletion of the "s" at the end of "users".

Claim 4 has been amended to delete the "s" at the end of "users" to correct a grammatical error. The scope of the claim has not been changed.

Art rejections

The art rejections are respectfully traversed.
Applicants hereby object to the rejections as being prolix and confusing and therefore not in conformity with 37 CFR 1.104.

Clarification is accordingly respectfully requested.

Claims 1, 18, & 20

After reading the rejection, the undersigned was unable to find the recitations of the claims in the reference. Accordingly, the undersigned called the Examiner on Nov. 3. During that phone call, the undersigned particularly asked the Examiner where the limitation "partitioning said third party selection history into clusters of items; receiving a selection from said user of at least one of said clusters" was allegedly to be found in the reference. The Examiner then cited a new section of the reference, not previously cited in the rejection, namely col. 70, lines 18 et seq.

Applicants respectfully submit that the rejection is improper since it fails to include this section.

The undersigned then asked, assuming arguendo that these clusters do relate to a third party selection history, how is an item of the selected cluster used to update a user profile? The Examiner then pointed the undersigned to the abstract. The

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undersigned read the abstract and found teachings there about profiles, but not that a user profile would be updated from an item of a selected cluster as recited.

The Examiner then asked the undersigned to point out the need to make a connection between the selection of a cluster and the updating of the profile in the response to the office action - as done above — and promised to reconsider the rejection based on this point. Reconsideration is accordingly respectfully requested.

Claim 18 and 20 are analogous to claim 1 in this respect.

Claim 5

Applicants respectfully disagree that the k-means clustering routine is obvious in view of the cited sections of Herz. Those of ordinary skill in the art would not make the leap of logic made by the Examiner. These sections teach or suggest nothing about the specific algorithm recited in the claim.

Official Notice

The Examiner has taken official notice of the alleged knowledge in the prior art of claims 6-9 and 12-17. This official notice is respectfully traversed. If the Examiner intends to persist in these rejections, he is respectfully requested to cite art supporting his allegations of knowledge of skill in the art.

Claims 10, 17, 19 & 21

Claims 10, 19, & 21 have been amended to more clearly define what a cluster is. Claim 17 has been amended to recited additional features of the partitioning operation. Applicants respectfully submit that, as amended, the claims distinguish patentably over the cited portions of the reference. Reconsideration is accordingly respectfully requested.

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New Claims

The new claims are added, commensurate with the scope of the disclosure, and which distinguish further over the cited portions of the reference.

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the foregoing. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date.

Applicants respectfully submit that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Respectfully submitted,

By _Michael E Belk_

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